Public Elec).(1948) Depa

Ms SERIES.

G.O. No. 1651

Dated 5-6-948

[Despatch Abstract.]

Census - Indian Census Bill - D
views of the Provincial Governm
Papers Recorded.

No.79/4-48
OFFICE OF THE CENSUS COMMISSIONER
FOR INDIA
MINISTRY OF HOME AFFAIRS.

From

M. Yeatts, Esquire, CSI, CIE, ICS,
Census Commissioner for India.

To

The Chief Secretaries of all Provincial Governments
and all Chief Commissioners.

New Delhi the 3, the 16th April 1948.

Sir,

I enclose a copy of the final draft of the Census Bill The original intention was to introduce and pass this Bill at the Spring Session of the Central Assembly. The pressure of legislative and other business was such that it was decided to hold it overtill the next session. The Government of India however would be quite prepared to introduce it by Oridinance should this be considered necessary.

2. Former Census Act were directed and limited to a specific census taking place in a named year. This Bill departs from that practice and provides a general and continuing cover for census operations throughout or in part of country as may at any time be considered necessary . Thus the obligations on the citizen to permit numbering and not to deface numbering etc., Remain in being and provide the necessary background to the system of maintained housenumbering which the Provincial Governments have already agreed to introduce in the course of this year, for reasons discussed in any earlier letters and at my personal visits.

3. It is evidently desirable that this Billshould reach the Statute Book as soon as possible. Provincial Governments may not think it necessary to comment on the terms of the Bill but should any wish to do so I am to ask that such comment reach me by the 1st June, 1948. It will be assumed that Provincial Governments which have not commented by that date do not in fact wish to comment.

I have the honour to be
Sir,
Your most obedient servant.

Sd/-
Census Commissioner for India.

SP CIAL

Public (Election) Department.

Endorsement No.3230/48-1 dated 21-4-48.

Referred to the Board of Revenue and Inspector of Municipal Councils and Local Boards for remarks which should submitted not later than 5-5-1948.

Sd/-xxxxxx,
21-4-48.

To the Board of Revenue.
To the Inspector of Municipal Councils and Local Boards.

[To be introduced in the Constituent Assembly of India (Legislative)]

A.
B I L L

to provide for certain matters in connection with the taking of census.

WHEREAS it is expedient to provide for the taking of census in the Provinces of India or any part thereof whenever necessary or desirable and to provide for certain matters in connection with the taking of such census;

It is hereby enacted as follows:-

1. Short title and extent.- (1) This Act may be called the Census Act, 1948.

(2) It extends to all the Provinces of India

2. Central Government to take census:- The Central Government may, by notification in the official Gazette, declare its intention of taking a census in the Provinces of India or any Province or part thereof whenever it may consider it necessary or desirable so to do, and thereupon the census shall be taken.

3. Appointment of census staff.- (1) The Central Government may appoint a Census Commissioner to supervise the taking of the census throughout the Provinces of India or throught the Province or part thereof in which census is intended to be taken and Superintendents of Census Operations to supervise the taking of the census within the several Provinces or parts thereof.

(2) The Provincial Government may appoint persons as census-officers to take, or aid in, or supevise the taking of, the census within any specified local area and such persons when appointed shall be bound to serve accordingly.

(3) A declaration in writing, signed by any authority authorised by the Provincial Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The Provincial Government may delegate to such authority as it thinks fit the power of appointing census officers conferred by sub-section(2).

4. Status of census authorities as public servants. The census Commissioner, all Superintendents of Census Operations and all census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

5. Discharge of duties of census-officer in certain cases.- (1) Where the District Magistrate; or such authority as the Provincial Government may appoint in this behalf, by a written order so directs -

(a) every officer in command of any body of men belonging to the naval, military or air forces or of any vessel of war of India.

(b) every person (except a pilot or harbourmaster) having charge or control of a vessel.,

(c) every person in charge of a lunatic asylum, hospital, warehouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration depot or club,

(e) every manager or officer of a railway or any commercial or industrial establishment, and

(f) every occupant of immovable property wherein at the time of the taking of the census persons are living, - shall perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property or are employed under him as may be specified in the order.

(2) All the Provisions of this Act relating to census-officers ~~shall~~ shall apply, so far as may be, to all persons whil performing such duties under this section, and any person refusin or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code (XLV of 1860)

6. Power to call upon certain persons to give assistance.

The District Magistrate, or such authority as the Provincial Government may appoint in this behalf for any local area, may, by wirtten order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon -

(a) all owners and occupiers of land, tenure-holders, a farmers and assignees of land revenue, or their agents, and

(b) all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities.

to give such assistance as shall be specified in the order towar the taking of a census of the persons who are, at the time of th taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or within the areas for w which such local authorities are established, as the case may b and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

7. Asking of questions and obligation to answer.- (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as by instructions issued in this behalf by the Provincial Government and published in the Official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Contd.

8. Occupier to permit access and affixing of number:- Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

9. Occupier or manager to fill up schedule. -(1) Subject to such orders as the Provincial Govenment may issued in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Provincial Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

10. Penalties.- (1) (a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the Provincial Government, discloses any information which he has received by means, of, or for the purposes of a census-return, or

(c) any sorter, compiler or other member of the census staff who removes, secretes, damanges or destroys any census document or deals with any census document in a manner likely to falsify or impair the tabulations of census results, or

(d) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section to answer, or

(e) any person occupying any house, enclosure, vessel or other places who refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow, or

(f) any person who, removes, obliterates, alters, or damages any letters marks of number which have been painted or affixed for the purposes of the census, or

Contd.

(g) any person, who having been required under section 9 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, or

(h) any person who trespasses into a census office- shall be punishable with fine which may extend to one thousand rupees.

(2) Whoever abets any offence under sub-section(1) shall be punishable with fine which may extend to one thousand rupees.

11. Sanction required for prosectuions .- No prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of any authority authorised in this behalf by the Provincial Government.

12. Operation of other laws not barred.- Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any Act or omission which constitutes an offence under this Act:-

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 11.

10. No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try, whether under this Act or under any other law, any act or omission which constitutes an offence under this Act.

14. Records of census not open to inspection nor admissible in evidence.- No person shall have a right to inspect any book, register or record made by a census officer in the discharge of his duty as such, or any schedule delivered under section9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872 (I of 1872), no entry in any such book register, record orschedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

15. Temporary suspension of other law as to mode of taking census in municipalities.- Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Superintendent of Census operations or with such other authority as the Provincial Government may authorise in this behalf, shall, at the time appointed for the taking of any census cause the census of the Municipality to be taken wholly or in part by any method authorised by or under this Act.

16. Grant of statistical abstracts:- The Census Commissioner for the Provinces of India or any Superintendent of Census Operations or such personas the Provincial Government may authorise in this behalf may, if he so thinks fit, at the request an cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for the Provinces of India or the Province, as the case may be, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

17. Power to make rules.- (1) The Central Government may make rules for carrying out the purposes of this Act.

Contd.

(2) In particular, and without prejudice to the generally of the foregoing power, the Central Government may make ules providing for the appointment of census-officers and of persons to perform any othe duties of census officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons.

Public (Election) Department.

BY AIR MAIL.

Letter No. 3230/48-2, dated 24-5-1948.

To

The Census Commissioner for India Ministry of Home Affairs, New Delhi.

Sir,

Census-Bill remarks - ~~XXX~~
Ref: Your letter No.79/4-48 dated 16-4-1948.

I am directed to say that the provision of the Bill cited are under examination and that this Government's comments will be communicated to you as soon as possible.

Sd/-xxxxxx,
24-5-1948.

From

K.M.Unnithan Esquire, I.C.S.,
Inspector of Municipal Councils and Local Boards, Madras.

To

The Chief Secretary to Government,
Public (Elections) Department, Madras.

Sir,

Sub: Census- Indian Census Bill - Remakrs.
Ref: Government Endorsement No.3230-48-1 Public (Elections) dated 21-4-1948.

.....

I have no remarks to offer.

Sd/-xxxxxx,
for Inspector. 5/5.

Public (Elections) Department.

Letter No. 3230/48-4 dated 12-6-1948.

To

The Census Commissioner for India,
Ministry of Home Affairs,
New Delhi.

Sir,

CENSUS BILL - Remarks.

Ref: Your letter, No.79/4-48 dated 16-4-1948 and This Government interim reply No.3230/48-2, Public (Elections) dated 24-5-1948.

I am directed to say that the Madras Government have no remarks to offer on the draft Census Bill forwarded with the letter cited. In this connection I am to say that action is being taken separate for providing legal cover for the levy of contributions from local bodies.

Sd/-xxxxxx,
4-6-1948.

Public (E &S) Department.

The papers which the Board has returned to this Department relate to the preparation of a house-list for the/census . Collectors have asked the Board for instructions on certain points.

The Collector of Coimbatore states that if Electoral roll is to be prepared along with hou e numbering he may be instructed on the procedure to be followed, defining the qualifications of a voter.

The Collector of Vizagapatam has stated that it is not possible to get the work done in the Agency villages unless paid staff is appointed and he quotes the precedent for the 1941 Census which was presumably approved by the Board last time.

The Collector of South Kanara refers to some towns consisting of portions of several Revenue villages having recognized boundaries not always coterminous with the boundaries of the revenue village and wants specific orders on a point he mentions.

Most of the Collectors have addressed the Board regarding "Funds" and supply of stationery.

These are points on which the Board of Revenue as the Head of the Revenue Administration is in the best position to give instructions. As a matter of fact the Board itself stated in para 5 of its ref.No.S.4087/47 D/ 10-1-1948 to the Goveernment as follows:-

> " The Board is the most suitable and competent body to be in general executive charge of the work with the help of the Statistic l Brahch, as it is only the Revenue Department which controls general administration and has ramifications into every village."

The view now expressed by the Board in its L.Dis P.No.2356/48, Dated 25-6-1948 controdicts the view expressed in January 1948. A Statistical Department is not necessary for dealing with this subject. If it were so, the Government would not have ordered as they did in G.O.Ms.694 Public dated 19-3-1948 that the Inspector of Municipal Councils and Local Boards should issue instructions to Municipalities and Local Boards on this subject knowing that he has no Statistical Branch under him. The Board was asked to issue instructions to Collectors., on this subject as the head of the Revenue Administration, even as the Inspector of Municipal Councils and Local Boards was asked to issue instructions to his officers as the Head of the Local Administration, without any reference to a Statistical Department. Further the Board itself dealth with all matters connected with the 1941 Census, when the Statistical Department was not under it. It was for these reasons that the papers relating purely to administrative aspects of the Census were transferred to the Board.

It is now for orders whether the Board may deal with this subject or this department. If this department has to take over all the work relating to the 1951 Census, it may take over both the work entrusted to the Board of Revenue as well as the work entrusted to the Inspector of Municipal Councils and Local Boards, because, there can be no reason why one should be taken over and the other left, if the entire work is thus taken over, this Department as it is constituted at present, will not be able to cope with the additional work. It will be necessary to have a small section of one Superintendent and two upper Division clerks for the duration of the Census work.

Hon. Premier may kindly see for orders.

Contd.

Hon'ble the Premier.

Mr. S.Venkateswaran, Additional Secretary, saw me this morning and suggested that the work be done in his section. I have no objection to the arrangement. The papers may be transferred to him, if Chief Secretary agrees.

Sd/-xxxxxx,
22-7.

Note by the Additional Secretary (Public).

The note at page 2 n.f. put up by Public (E&S) Department contains some pertinent remarks on the attitude taken up by the Board of Revenue. At the Census, we shall have to deal with

(1) Madras City;

(2) areas included in mufussal Municipalities and Panchayats ; and

(3) Other areas in the Province, i.e., villages not included in Panchayats or Municipalities.

The work (1) will have to be done through the corporation of Madras and the Government willhave to deal directly withthe Commissioner of the Corporation. Inregard to the work in the Municipalities and Panchayats, the Inspector of Municipal Councils and Local Boards must obviously be held responsible for seeing that the instructions issued regarding the conduct of the Census are carried out. The remaining areas in the Province are under the mufussal Collectors and the Board of Revenue must obviously keep in close touch with the progress of the administrative arrangements made in connection with the Census and satisfy itself that the instructions issued by the Provincial Government, the Government of India and their Census Commissioner are being carried out. Members of the Board of Revenue can, and should, check, during the course of their tours, the progress made in regard to the arrangements for the Census.

The basic instructions will be issued by the Government of India, their Census Commissioner and the Provincial Government but it may be necessary for theBoard to issue instructions to supplement them on minor matters regarding which the Collectors may address it. The Board may, therefore, be informed (1) that, in respect of the areas in the mufussal outside Municipalities and Panchayats, it will be expected to exercise general administrative supervision over the work of Collectors.

(2) that members of the Board of Revenue should, in the course of their tours, check the progress of the arrangements and

(3) that this administrative work of the Board will have nothing to do with discussions as to what statistics should be collected in connection with the Census and how they should be tabulated, and no Statistical Branch, is therefore, necessary to assist the Board to discharge its administrative responsibility in the matter.

The responsibilities of the Inspector of Municipal Councils and Local Boards will be exactly the same in respect of Municipal and Panchayat Rear areas.

2. The Board and the Inspector of Municipal Councils and Local Boards may be informed that copies of any important instructions issued by them regarding the conduct of the Census in order to supplement the instructions issued by the Provincial Government or the Census Commissioner, or the Government of India, should be sent then and thereto the Government of India, ~~should be sent then and there to the Government~~ for their information.

3. Though Census is a Central subject, the Provincial Government will have many important fuctions to perform in connection with the conduct of the Census, as can be seen from the proposed Census Bill--page 5-17 c.f. of G.O.1451, Public (Elections) dated 15-6-1948 (Flag 'U') -- which is schedule to be passed into law at the forthcoming session of the Dominion Legislature. The Provincial Government will not only have to issue the necessary instructions to District Magistrates and Census Officers in regard to the matter referred to in the Bill, but also to prescribe the questions which should be put to all the persons to be enumerated at the Census -vide clause 8 of the Bill. It will thus be seen that very important instructions, especially on the administrative side, will have to be issued by the Provincial Govement in connection with the Census and that these instructions will have to cover, and secure co-ordination, in, all the three categories of areas referred to in paragraph 1 above, This work must necessarily be done in the Secretariat from where orders will have to issue in the name of the Government. Most of the orders will of course be of an administrative nature. It will therefore be best to continue to have all Census matters dealt with in Public (Elections) Department. (At the last Census, the work was done in the Development Department, but the subject of Census was transferred to Public Department in October 1946). All the correspondence between the Census Commissioner and the Provincial Government in connection with the 1951 Census has so far been dealth with in Public (Elections) Department. This arrangement may continue, i.e., Public (Elections) Department may deal with all matters which have to be dealt with in the Secretariat in connection with the Census. The work, being mainly of an administrative nature, cannot be conveniently or appropriately dealth with by the Economic Adviser. Public (Elections) will consult him whever any questions relating to the nautre of the statistics to be collected at the Census of as to how they should be tabulated, come up for consideration. The Economic Adviser has agreed to this.

Another good reason why all work relating to Census should be done in the Public (Elections) Department is that it has already been decided that a permanent system of numbering of houses in the Province, as suggested by the Census Commissioner, should be introduced this year, and maintained, so as to facilitate both the Census work and the preparation of the draft preliminary electoral rolls. It has also been decided to maintain house-lists which will contain information useful both for the Census and for the revision of the electoral rolls. In fact, such permanent numbering of houses in some regular way is fundamental and common both to the electoral roll work and Census work. All the points raised in the Collector's letters which the Board of Revenue has returned to the Economic Adviser with its reference at page 1-2 c.f. have already been examined and orders solicited in my note on the preparation of the draft preliminary electoral rolls, which will be circulated shortly.

It will thus be not only logical but also convenient to have the Census work done in the Public (Elections) Department, which is in the charge of the Provincial Elections commissioner in his capacity as the Additional Secretary, Public, side by side with the work relating to the preparation of electoral rolls. In my other note just referred to, arrangements have been proposed for the completion of the numbering of houses by the 15th September, as it is only after this has been done, the enumeration of persons qualified to vote under the scheme of adult sufferage can be taken up.

The Board of Revenue, the Inspector of Municipal Councils and Local Boards, the Commissioner of the Corporation of Madras, the Commissioners of Municipalities and Collectors may be informed that all correspondence with Government relating to Census should be addreassed to the Public (Elections) Department.

4. The Provincial Elections Commissioner, who has to do some touring every month in order to discuss, on the spot, with

with Collectors, Commissioners of Municipalities and Executive officers of Panchayats and difficulties felt in connection with the p eparation of electoral rolls, can also conveniently look into the progress of the arrangements made in regard to work relating to the Census. But if he notices anything which has to be pointed out, either to the Board of Revenue or to the Inspector of Municipal Councils and Local Boards, or to the Commissioner of the Corporation of Madras, he will not do so himself, but will have the matter dealt with in the Secretariat so that any instructions or orders will be issued in the name of the Government, in accordance with the Secretariat Business Rules.

5. In connection with the 1941 Census, the Provincial Census Superintendent, was appointed by the Government of India only in 1939, i.e., about 2 years before the Census, For the 1951 Census, a Provincial Superintendent may not be necessary before 1949. Following the Indian Census Act (Act XXIV of 1939) 1939, the Census Bill referred to already, provides for the Provincial Superintendent also being appointed by the Central Government. Though this Government have already reported that they have no remarks to offer on this Bill, this one point in the Bill seems todeserve re-consideration. I think it will make for smooth working and efficient co-ordination of all the arrangements made by the Government of India and the Provincial Government, if the Provincial Superintendent is left to be appoint -ed by the Provincial Government themselves, instead of the Central Government's borrowing an officer from the Provincial Government and appointing him a s their own officer as they did for the 1941 Census** If this arrangement is adopted, there will be no objection to the Provincial Superintendent being, ex.officio an officer of the Secretariat and none of the awkwardness or anomaly referred to by Sir Hugh Hood in 1940 in connection with the position of the then Provincial Superintendent, will arise (page 11-12 n.f. of 'B'). Both under the existing Constitut tion and the Draft New Constitution, it is permissible for the Central Government to entrust, to officers of the Provincial Government, any specified functions in connection with a 'Central subject' like the Census-vide Section 124 of the Government of India Act, 1935, and Article 235 of the Draft Constitution. I think it will actually be convenient and make for efficient working if the Provincial Government acts as the agent of the Central Government in regard to the conduct of the Census. (In any event, the instructions issued by the Central Government and their Census Commissioner will be binding on the Provincial Government. There is nothing peculiar about this. now, for instance, in regard to Textile control matters, the instructions of the Textile Controller to the Government of India are binding not only on the Provincial Textile Commissioner but also on the Provincial Government.) I am suggesting this because, so long as the post of Provincial Elections Commissioner exists --it will presumably have to exist till the completion of the first General Elections under the new Constitution --he can Conveniently attend the Census work also as the Provincial Census Superintendent.

I consider also that, having regard to the spirit of our new Constitution, an arrangement under which the Provincial Government will take full responsibility for the Census work in

Contd.

** Provincial Heads of Departments were asked by this Government not only to co-operate fully with this Central Government's Officer, but to send references to the Government on Census matters through that officer, to facilitate despatch of business --vide page 1 c.f. of 'A'.

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in the Province , as the Agent of the Ce
preferable to one under which the Central Government deputes an officer who functions in this Province as an authority apart fro the Provincial Government. This agency arrangement seems to me t be particularly appropriate in a vital matter like the Census in which the Centre and the Provinces are equally interested .

The provisions of the constitution, which I have already referred to, provide for recovering from India the expenditure incurred by a Provincial Government in connection with agency functions in respect of Central subjects like the Census, and this Government can recover from India a proportionate share of the expenditure incurred by them on the staff and officers attending to Census work besides Provincial work.

If this view commends itself to the Government, a very urgent reference will have to be made to India by Air Mail, for amending suitably clause 3 of the Census Bill which is coming up before the Dominion Legialture next week, according to newspaper reports.

Revenue may see before circulation.

Sd/-xxxx,
Additional Secretary, (Public)
5-8-1948.

I agree generally .

Sd/-xxxxxx,
5-8-48.

To A.S.

Notes from page 3 ante, may be perused and the case returned to the Public Department.

Sd/-xxxxxx ,
6-8-

Public(Elections)Department.

The case may be circulated to Hon'ble Premier and Hon'ble the Minister (Finance) and Hon'ble Minister (L.R) for orders on B & C of the Additional Secretary's note on page 3-9 ante.

Sd/-xxxxxx,
Assistant Secretary,
9-8-1948.

Sd/-xxxxxx,
O.P.R. Hon'ble Premier.
10-8-

Sd/- xxxxxx,
B.G.R. (H.Minister for Finance)
10-8.

(Hon'ble Minister (L.R) after issue of the letter to India.)

For orders on paras 1 and 2 of the Additional Secretary's note at page 3-5- N.F.

The Revenue Department have agreed (X above).

Draft I below submitted for consideration.

Sd/-Addl. Secy. (PUB.)
11-8.

Sd/- Hon'ble Minister (L.R.)
13-8.

Contd.

From the Government of India, Ministry of Home Affairs No. 2/13/48-Public dated 19-8-1948.

Action with reference to A above is beirg taken separ-tely.

2. The letter from the Governm.nt of India on page 15 c.f. in reply to this Government's letter on page 3-4- c.f. is submitted forperusal. The case is submitted for orders on whether any further action is called for in this matter .

Sd/-xxxxx,

24-8-48.

India have not indicated why our arguements did not convice them. It is a question of "feeling" and not of argument. The matter may therefore be dropped, as it is clear that it cannot be successfully pressed further.

As for X at page 15 c.f. this was not accepted in connection with the last census, and we indicated that the same view might be held even now. It is an arguable point whether an officer working strictly under India and not under the control of the Provincial Goverrment at any rate, for the time being, for the duration of his appointment as Census Superintendent, Madras), can be allowed to function as an ex-officio officer of this Secretariat who can circulate files to Hon'ble Ministers here and issue orders in the nature of this Government. This point may be examined de novo after the appointment is made.

The Census Bill has since been passed by the Indian parliament, and we are awaiting the copy of the Act.

Sd/-xxxxxx,

Sd/- O.P.R. (H.Pr.)
6-9.

Sd/- B.G.R. (H.M)
7-9.

Put up as soon as the Gazette of India copy of the Census Act is received. I think this file can be closed and a fresh file opened when the Act is received.

Must have been published in the Gazette by now.

Sd/-xxxxx.
8.9.

Public (Elections) Department.

Please see the Census Commissioner's letter at page 1-3-c.f. and the Census Bill referred to therein at pages 5-17 c.f. The Bill was ~~was~~ referred to the Board of Revenue and the Inspector of Municipal Council and Local Boards for remarks. The Inspector has no remarks to offer - see page 19 c.f.

The remarks of the Board of Revenue and the Economic adviser are at pages 2-4- ante. With reference to Economic Adviser's remarks at M on page 4 ante it is submitted that the Census Commissioner has explained in a separate letter why provision similar to Section 15 of the Census Act, 1939 has ~~be~~ not been made in the present Bill and requested the Provincial Governments to consider the question of making provision for compelling local bodies to bear the expenditure connected with Census incurred by them by an Act of Legislature. This question has been examined and the file (C.No.3489/48) has been sent to the Local Administration and Legal Departments for remarks. The Economic Adviser has no other remarks.

The Government of India ~~may~~ may therefore be informed that this Government have no remarks to offer on the draft Census Bill. A draft letter is submitted for approval.

Sd/-xxxxx ,
3-6-48.

Sd/-
O.P.R (H.Pr.)
12-6.

The papers may be recorded in a G.O. for facility of future reference.

G.O.Ms.No.1451 dated 15-6-1948.

R e c o r d e d .

Sd/-xxxxxx,
15-6-1948.

Abstract: -

Census - Indian Census Bill - Draft views of the Provincial Government - Papers Recorded.

/True c opy/

Office Assistant,
Madras Record Office.

NG.